

CCRB INVESTIGATIVE RECOMMENDATION

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|--|---|---------------------------|--|---|---------------------------------|
| Investigator: Andrew Ridge | Team: Squad #5 | CCRB Case #: 201801616 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Saturday, 02/17/2018 11:55 PM, Sunday, 02/18/2018 | Location of Incident: Guy R Brewer Boulevard and 137th Avenue; Guy R Brewer Boulevard and 142nd Avenue | Precinct: 113 | 18 Mo. SOL 8/17/2019 | EO SOL 8/17/2019 | |
| Date/Time CV Reported Sun, 02/18/2018 1:11 AM | CV Reported At: IAB | How CV Reported: Phone | Date/Time Received at CCRB Tue, 02/27/2018 10:51 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------------|--------|--------|---------|
| 1. POF Antoinette Sylvester | 28990 | 927249 | 113 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|-----------------------------|-----------|--------|----------|
| 1. POF Krystal Bermudez | 02100 | 959489 | 113 PCT |
| 2. SGT Rochener Gilot | 01416 | 936665 | 113 PCT |
| 3. POM Stephen Intrabartola | 06941 | 961829 | 113 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------------|--|-----------------------------|
| A.POF Antoinette Sylvester | Discourtesy: Police Officer Antoinette Sylvester spoke discourteously to § 87(2)(b) at the southwest corner of Guy R. Brewer Boulevard and 137th Avenue in Queens. | |
| B.POF Antoinette Sylvester | Abuse: Police Officer Antoinette Sylvester searched § 87(2)(b) at Guy R. Brewer Boulevard and 142nd Avenue in Queens. | |
| C.POF Antoinette Sylvester | Discourtesy: Police Officer Antoinette Sylvester spoke discourteously to § 87(2)(b) at Guy R. Brewer Boulevard and 142nd Avenue in Queens. | |
| D.POF Antoinette Sylvester | Discourtesy: Police Officer Antoinette Sylvester acted discourteously toward § 87(2)(b) at Guy R. Brewer Boulevard and 142nd Avenue in Queens. | |
| E.POF Antoinette Sylvester | Abuse: Police Officer Antoinette Sylvester seized § 87(2)(b)'s property at Guy R. Brewer Boulevard and 142nd Avenue in Queens. | |

Summary of Complaint

On February 18th, 2018, § 87(2)(b) filed this complaint with IAB over the phone. IAB forwarded the complaint to the CCRB, where it was received on February 27th, 2018.

On February 17th, 2018, § 87(2)(b) was driving southbound on Guy R. Brewer Boulevard in Queens when Police Officer Antoinette Sylvester stopped him at the intersection of Guy R. Brewer Boulevard and 137th Avenue and cursed at him (**Allegation A: Discourtesy**, § 87(2)(g) before issuing him summonses. PO Sylvester stopped § 87(2)(b) a second time at the intersection of Guy R. Brewer Boulevard and 142nd Avenue in Queens and looked through § 87(2)(b)'s wallet (**Allegation B: Abuse of Authority**, § 87(2)(g). After issuing him another summons, PO Sylvester again cursed at § 87(2)(b) (**Allegation C: Discourtesy**, § 87(2)(g) and hit his hand with a pen (**Allegation D: Discourtesy**, § 87(2)(g). PO Sylvester never returned § 87(2)(b)'s wallet (**Allegation E: Abuse of Authority**, § 87(2)(g).

There is no video evidence in this case. (BR01).

Findings and Recommendations

Allegation A—Discourtesy: Police Officer Antoinette Sylvester spoke discourteously to § 87(2)(b) at the southwest corner of Guy R. Brewer Boulevard and 137th Avenue in Queens.

The following account of events is undisputed: On February 17th, 2018, at approximately 11:55PM, § 87(2)(b) was driving southbound on Guy R. Brewer Boulevard in Queens when PO Sylvester and PO Bermudez stopped his car and issued him summonses. § 87(2)(b) could not find his wallet, and informed PO Sylvester that he believed the wallet was in the trunk. PO Sylvester directed § 87(2)(b) to go to the trunk and retrieve his wallet.

§ 87(2)(b) testified that as he got out of the car, PO Bermudez asked PO Sylvester what § 87(2)(b) was doing. (BR02). PO Sylvester told PO Bermudez that § 87(2)(b) was getting his license and said, “Shit don’t make no sense.” PO Sylvester used other profanity after saying this, but § 87(2)(b) could not recall what else she said. § 87(2)(b) did not curse at PO Sylvester but asked her many questions.

PO Sylvester testified that before she could speak, § 87(2)(b) yelled and cursed at her. (BR03). PO Sylvester could not recall if she spoke with PO Bermudez about why § 87(2)(b) was out of the car, and denied using any profanity.

PO Bermudez testified to asking PO Sylvester about why § 87(2)(b) was out of the car, but denied hearing PO Sylvester use any profanity. (BR04). PO Bermudez could not recall if § 87(2)(b) used any profanity.

No witnesses were identified for any portion of the incident nor was any video evidence recovered for any portion of the incident. (BR01, BR11).

§ 87(2)(g)

Allegation B—Abuse of Authority: Police Officer Antoinette Sylvester searched § 87(2)(b) at Guy R. Brewer Boulevard and 142nd Avenue in Queens.

The following account of events is undisputed: On February 18th, 2018, at approximately 12:05AM, PO Sylvester and PO Bermudez stopped § 87(2)(b) for a second time for following their police vehicle too closely. PO Sylvester issued § 87(2)(b) another summons.

§ 87(2)(b) testified that he had trouble finding his license again and moved several items in the center console of the car as he look for it. (BR02). PO Sylvester asked § 87(2)(b) what he was holding and § 87(2)(b) explained that he was holding his wallet. PO Sylvester told § 87(2)(b) to give her his wallet. § 87(2)(b) complied with this request. PO Sylvester asked § 87(2)(b) to tell her what was inside the wallet. § 87(2)(b) said there were just cards and money. PO Sylvester opened the wallet and looked inside. PO Sylvester did not take anything out of the wallet and brought it with her to the police vehicle.

PO Sylvester testified that § 87(2)(b) immediately provided her with his license and registration, and that the entire interaction between her and § 87(2)(b) before she brought his license and registration back to the police vehicle was nonverbal. (BR03). At no point during either stop did anyone say anything about § 87(2)(b)'s wallet, nor did PO Sylvester ever see § 87(2)(b)'s wallet.

PO Bermudez's testimony was consistent with that provided by PO Sylvester. (BR04).

§ 87(2)(g)

Allegation C—Discourtesy: Police Officer Antoinette Sylvester spoke discourteously to § 87(2)(b) at Guy R. Brewer Boulevard and 142nd Avenue in Queens.

Allegation D—Discourtesy: Police Officer Antoinette Sylvester acted discourteously toward § 87(2)(b) at Guy R. Brewer Boulevard and 142nd Avenue in Queens.

§ 87(2)(b) testified that after PO Sylvester issued him another summons, she said, "Don't fucking follow me." (BR02). Directly after this, PO Sylvester struck § 87(2)(b) on the hand with a pen and walked back to the police vehicle.

PO Sylvester denied telling § 87(2)(b) not to follow her and denied using any profanity. (BR03). PO Sylvester made no physical contact with § 87(2)(b) and could not recall if she held a pen.

PO Bermudez testified that either she or PO Sylvester told § 87(2)(b) not to follow them, but that she could not recall if it was her or PO Sylvester who said this. (BR04). The remainder of PO Bermudez's testimony is consistent with that of PO Sylvester.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation E—Abuse of Authority: Police Officer Antoinette Sylvester seized § 87(2)(b)'s property at Guy R. Brewer Boulevard and 142nd Avenue in Queens.

§ 87(2)(b) testified that as PO Sylvester walked back to the police vehicle, he asked her for his wallet. (BR02). PO Sylvester did not respond and left the scene. § 87(2)(b) reported that PO Sylvester stole his wallet to a 911 operator, who set up a meeting between § 87(2)(b) and Sgt. Gilot at a nearby gas station. Sgt. Gilot called PO Sylvester and PO Bermudez to the gas station and told § 87(2)(b) that they probably accidentally took his wallet.

The recording of § 87(2)(b)'s call to 911 confirms that he alleged PO Sylvester did not return his wallet. (BR05).

PO Sylvester testified that she never saw § 87(2)(b)'s wallet and returned all his paperwork to him following the second stop. (BR03). PO Sylvester explained this to Sgt. Gilot when she met him at the gas station.

PO Bermudez's testimony was consistent with that of PO Sylvester. (BR04).

Sgt. Gilot testified that once PO Sylvester and PO Bermudez arrived at the gas station, he interviewed them separately about the wallet. (BR06). Both PO Sylvester and PO Bermudez denied taking the wallet. PO Sylvester and PO Bermudez searched their police vehicle for the wallet, but did not find it. § 87(2)(b)'s wallet was never found.

§ 87(2)(g)

Mediation, Civil, and Criminal Histories

- This case was suitable for mediation and it was offered to § 87(2)(b) during his initial phone statement and during a follow-up phone statement after his in-person interview at the CCRB. (BR07). Both times § 87(2)(b) rejected mediation.
- A FOIL request was submitted to the NYC Office of the Comptroller for § 87(2)(b). The response to this request will be added to the case file upon its receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the second complaint filed by § 87(2)(b) with the CCRB. (BR09). § 87(2)(b)
- PO Sylvester has been a MOS for 17 years, and this is the third CCRB complaint filed against her. (BR10). The previous two complaints generated a total of four allegations,

one of which is Discourtesy - Word. The CCRB has not substantiated any of these allegations, and the NYPD has not imposed any discipline pursuant to these CCRB cases.

Squad No.: 5

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| Investigator: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |

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| Squad Leader: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |

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| Reviewer: | _____ | _____ | _____ |
| | Signature | Print Title & Name | Date |